

Both in his letter to McCain and his Senate testimony, Babbitt chose to deny having used the term “instructed” with Eckstein, even though neither Eckstein nor McCain ever attributed that phrasing to Babbitt. Eckstein had asserted in his affidavit that Babbitt had said Ickes “told him,” and McCain adopted that phrasing in his July 1996 letter to Babbitt.<sup>660</sup> It is unclear why Babbitt chose to use the word “instructed” in his letter to McCain, when he denied that Ickes had instructed him to issue a decision that day.

During his Grand Jury testimony, Babbitt acknowledged that a “permissible inference” to draw from his letter to McCain is that Babbitt did not invoke Ickes in his meeting with Eckstein; it is, he testified, “a not unreasonable reading of the letter.”<sup>661</sup>

Another lengthy line of inquiry by Senate Committee members concerned whether Babbitt made any remark to Eckstein about the timing of the decision. Babbitt said in his prepared remarks that he did not specifically recall what he said, but that he “probably said” to Eckstein that Ickes wanted him to make a decision “promptly.”<sup>662</sup> He later adamantly rejected the possibility that he said “that day,”<sup>663</sup> “that very day,”<sup>664</sup> or “without delay,”<sup>665</sup> ultimately denying he made any statement about whether he told Eckstein that Ickes said anything about the timing of the decision.

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<sup>660</sup>Eckstein Affidavit at 6.

<sup>661</sup>Babbitt G.J. Test, July 7, 1999, at 222.

<sup>662</sup>Babbitt Senate Test. at 239.

<sup>663</sup>*Id.* at 242.

<sup>664</sup>*Id.* at 241-42.

<sup>665</sup>*Id.* at 243.